

**Livable Delaware Advisory Council  
September 13, 2007  
Meeting Summary**

**Members Present:** John Carney, Lt. Governor, Chair  
Connie Holland, OSPC  
Lee Ann Walling representing Sec. Hughes, DNREC  
Michael Scuse, Department of Agriculture  
Judy Cherry, DEDO  
Carolann Wicks, Del DOT  
Mike Petit de Mange, Kent County  
Jeff Bullock for Chris Coons, New Castle County  
David Baker, Sussex County  
Don Mulrine, League of Local Governments  
Paul Morrill, Historic Preservation  
Joe DiPinto, City of Wilmington  
Bernice Edwards, First State Community Action Agency

**Others Present:** David Edgell, OSPC  
Herb Inden, OSPC  
Bryan Hall, OSPC  
Mike Mahaffie, OSPC  
Laura Simmons, OSPC  
Renee Dixon, OMB  
Becky Lovin, OMB  
Kevin Coyle, DNREC  
Vicky Walsh, DSHA  
Karen Horton, DSHA  
Sarah Keifer, Kent County  
Ric Kautz, Sussex County  
Hal Godwin, Sussex County  
Ed Lewandowski, Center for Inland Bays

Lt. Governor Carney called the meeting to order at 2:10 p.m. Joe DiPinto made a motion to approve the minutes and Judy Cherry seconded. The motion to approve the minutes from the April 17, 2007 meeting was approved. Lt. Governor Carney asked if there were any changes in the membership of the advisory committee. Connie Holland told him there were not any changes at the moment.

**Update on New Castle County Comprehensive Plan**

Ms. Holland informed everyone that New Castle County asked for and received a six month extension to complete their comprehensive plan. Herb Inden of the Office of State Planning has worked closely with New Castle County on their comprehensive plan. Ms. Holland asked Jeff Bullock to continue with the update.

Mr. Bullock announced that the plan had been approved unanimously and New Castle County is on an aggressive timetable for the plan to be implemented. Council appointed subcommittees to move along the development of the ordinances. New Castle County also hired consultants to

assist them and they are looking to complete the project this calendar year. Jeff mentioned that Bayberry and Barley Mill could greatly benefit from the new comprehensive plan.

Ms. Holland stated that she was very excited that New Castle County had taken part in the master planning process.

Mr. Carney questioned what the bumps in the road were and how they were resolved. Mr. Bullock replied that the problems were with the drawing of lines in land use planning. New Castle County is going to work through parcel by parcel with each landowner and concentrate on the comprehensive plan as approved.

Mr. Carney asked about the section along the canal and whether it was a bump in the road because it is an industrial zone. Mr. Bullock answered that it is not in the central corridor and that the plan is a flexible document that can be amended.

Mr. Carney asked if this version took out the industrial zone. Mr. Bullock answered that zoning was the same.

Ms. Holland said that state strategies can put industrial in Level 4.

### **Kent County Extension Request**

Mike Petit de Mange advised that after the extension was granted at the February 15<sup>th</sup> meeting, Kent County experienced some personnel changes and Sarah Keifer came on board as the director of planning. Sarah is working on the comprehensive plan and other projects.

Mr. Carney asked about any litigation or injunctions. Mr. Petit de Mange responded that there are no injunctions but there is litigation. The litigation is what led Kent County to ask for the second extension.

Ms. Keifer stated that Kent County started the comprehensive plan process in the summer of 2006 but their resources were burdened because of unprecedented growth occurring over several years. In June of 2007, Kent County began holding public workshops and was able to develop a clear idea for a new plan. A 24 member working group was created that was appointed by Levy Court. This group meets weekly to review future land use maps and draft chapters. The first draft is nearly complete and a joint meeting is scheduled with Levy Court and the Regional Planning Commission on October 2<sup>nd</sup> to review. Kent County plans to have the draft ready in mid to late October and be ready for a public hearing in November.

Ms. Holland commented that what they have done is pretty smart, that they are listening to state agencies and their constituents. She mentioned that the Small Area Pop Projections contract has an October deadline.

Mr. Carney asked if the letter in the packet represented their status. Ms. Keifer replied that the October deadline will not be able to be met but there is not a specific request for an extension date. She suggested January or February 2008. Mr. Carney asked Ms. Holland what the

procedure is for extensions. Ms. Holland replied that six months is what has been granted before and recommended that Kent County receive the same as New Castle County. Mr. Carney agreed that this is appropriate.

Lee Ann Walling asked if the moratorium would be finished with the plan. Mr. Petit de Mange answered that the first moratorium was thrown out but they have a new one that has not been challenged and will be on until April 22<sup>nd</sup>.

Don Mulrine asked how many municipalities are in the working group and Ms. Keifer answered that it is not a municipal member per se but there are citizen members. Ms. Holland said she spoke with Kent County and Ms. Keifer will do all of the requested tasks once she has a map and information to take out to the area.

Mr. Carney mentioned issues that have arisen in the past, specifically in the Smyrna area.

Secretary Wicks asked about the mobility element. Ms. Keifer replied that Ms. Holland told her we would get all of the data to check the mobility element. Kent County is working with Department of Transportation to make sure that all transportation districts will be reflected. They just need the modeling to complete it.

Secretary Wicks commented that she is a big supporter of the six month extension and asked if the TDR's are a part of the plan. Ms. Keifer replied that they are a part of the organization already and it was being discussed in the work groups to work on strengthening it. Secretary Wicks said she is looking to have a reasonable comprehensive plan that DelDOT can support.

Mr. Carney asked what the current statute/ordinance says. Mr. Petit de Mange responded that the plan meets the current ordinances and bumps up several of the standards. The Department of Transportation has agreed to work within the parameter of the county ordinance.

Mr. Carney asked why they are different. Mr. Petit de Mange replied that in order to work within the parameters the county ordinance had to be embraced. There is a Department of Transportation review that was provided to the county and now it is the county's responsibility to enforce it.

Mr. Carney asked if they are the same and Mr. Petit de Mange said no, if the developer does not agree than the project does not happen.

Mr. Carney wanted to know what the transportation improvement district was. Ms. Keifer answered that it is a designated area where everyone agrees to funnel resources, a master plan for the area to show what needs to be done to support more development in a specific area. .

Mr. Carney mentioned talks in the Delaware General Assembly and asked if the district will require any special assessments. Ms. Keifer replied that particular attention will have to be paid to identify standards where the intense development will take place and access to direct resources for a number of needs.

Paul Morrill asked if all of the authorities are in place. Ms. Holland said that they just need to pass the TDR bill. Mr. Carney said there was some controversy in the Senate over the tax increment financing authority. There are a lot of different takes on it. Ms. Holland mentioned making it more like the master plan in Westtown, where everyone knew what was going on.

A motion was made by Don Mulrine, seconded by Director Cherry to approve the six month extension for the Kent County Comprehensive Plan.

**Motion passed; Mike Petite de Mange abstained from voting.**

### **Sussex County Extension Request**

David Baker stated that Sussex County Planning and Zoning is busy with trade ordinances (open space and cluster zones). The council will be holding a special workshop and meeting on September 25<sup>th</sup> on some issues as options to help Department of Transportation improvements. Mr. Carney asked him if it was a part of the current draft of the plan. Mr. Baker replied that it is mentioned but Sussex County Council has not taken a position on it yet because they have not received the entire draft.

Sussex County is requesting a new deadline of April 30, 2008. They feel that this time will help them to prepare. The staff has gathered public information from an August 31<sup>st</sup> meeting that went over all components of the plan. They are now receiving the last of the first draft elements of the complete plan.

Two additional meetings have been scheduled for September 25<sup>th</sup>, 6:30-8:30 in Rehoboth and September 26<sup>th</sup>, 6:30-8:30 in Laurel. Sussex County expects to receive all of the mobility element information from DelDOT in time for those meetings. The details of the plan took more time than was anticipated. Sussex County will continue to work at a fevered pace and try not to use the whole six month extension to complete the comprehensive plan.

Secretary Wicks asked how Sussex County could schedule meetings without having a draft plan. Secretary Wicks asked how DelDOT would be able to get the information and provide it by the September 25<sup>th</sup> meeting without the consultant data. Mr. Godwin replied that Sussex County needs the population data/modeling. On the 25<sup>th</sup> the first draft will be released and DelDOT will attend to give the summary to the public.

Mr. Baker said that the county was asked to hold a public meeting to inform the public. He mentioned that they received the draft form from the consultants.

Secretary Wicks expressed her concern about presenting a plan that is not complete. Mr. Godwin replied that DelDOT would have a summary ready for the meetings and they will participate in the meetings to explain the mobility element.

Ms. Holland asked if Sussex County will go back out later. Mr. Godwin stated that the public hearing date has already been published.

Mr. Carney stated that everyone needs to get on the same page because it sounds tight.

Secretary Wicks expressed her concern about how the public would receive the plan. Secretary Scuse stated he agrees with Secretary Wicks that the package is not complete enough for the 25<sup>th</sup> and 26<sup>th</sup> meetings. Mr. Baker stated that they were going to continue to take input.

Ms. Holland reminded Sussex County that the State is here to help them.

Ms. Holland expressed her concern that local jurisdictions are not getting many opportunities to attend the meetings. Ms. Holland asked if more meetings could be scheduled in more areas. Ms. Holland stated that the consultants need to meet with each of the towns individually.

Ms. Holland asked if Sussex is doing the master planning as the county is the largest sole support of sewer. Mr. Godwin replied that he will introduce the concept of master planning to the leaders of the land/sewer use in a meeting with Ms. Holland and others to get them going in the right direction. The workshop is looking to be an avenue to help get the message out.

Ms. Holland cautioned Mr. Godwin not to move too fast.

Mr. Baker stated the county is working with engineering on sewer service to link with the planning map. Issues with software took them longer than expected. The goal of the 25<sup>th</sup> and 26<sup>th</sup> meetings was to bring the elements of the land use plan to the public.

Secretary Wicks stated that she is concerned about setting expectations that will be difficult to meet with a plan that is not final.

Mr. Carney stated that it sounds like the mobility element was just received and is still being processed. Mr. Carney listed dates and stated that he anticipated more public discussions and recommended that Sussex County take their time.

Secretary Wicks told Sussex County to make sure they think about what expectations can be met. Secretary Wicks questioned if Sussex County anticipated more discussions with the towns. Mr. Godwin replied that Sussex County was expecting separate meetings with each individual town mayors, town managers, and planners to discuss growth areas. Fear of annexation with the towns and discussions need to take place to set up rules, but Mr. Godwin didn't think this would happen before the 30<sup>th</sup>.

Ms. Holland stated that it is extremely important for the comprehensive plan to know what the 25 municipalities are doing. They are on a five year time table, but may be working on different things. Sussex County and the municipalities need to be working with each other.

Mr. Godwin stated that was why Sussex County wanted to meet with the mayors and planners to get a feel for what the communities want. Ms. Holland reminded Sussex County and Circuit Rider Planner Bryan Hall can provide assistance. Ms. Holland suggested it might be easier to have the meetings with some close towns together, like three towns at a time. This way the towns will not feel threatened. Mr. Baker stated he did not see a problem with that.

Ms. Holland asked if sewer was needed. Mr. Carney asked if there were any charter changes. Ms. Walling asked if the growth zone was going to expand. Mr. Godwin replied that they were working on issues with the map. The consultant sent them the map and they will be offering changes in expansion. Mr. Carney stated that Sussex County sent previous contradictions with growth around the inland bays. Mr. Carney said that the growth has to occur in ways that are sensitive to the inland bays and are environmentally sensitive. Mr. Carney hopes that the comprehensive plan recognizes that.

Mr. Mulrine suggested that Sussex County might want to attend the SCAT meetings since most of the mayors attend. Mr. Mulrine also mentioned that in Kent County most of the mayors attend the League of Local Governments meetings.

A motion was made by Don Mulrine, seconded by Mike Petit de Mange to approve the six month extension for the Sussex County Comprehensive Plan.

**Motion passed; David Baker abstained from voting.**

### **For the Good of the Order**

Mr. Carney reminded meeting members that their role is advisory to the Governor to better implement goals. Mr. Carney informed that any members' ideas can be passed to Ms. Holland, Ms. Walling or to Mr. Carney and they will bring them forward to the committee.

Ms. Holland informed the committee that the Coastal Zone Ordinance in Kent County was overturned because of one line in the Delaware Code that prohibits any overlay; everything has to be equal in the zones.

Mr. Carney adjourned the meeting at 3:20 p.m.